

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DWAYNE J. DENNIS and HAZEL R.D.
DENNIS,

No. 3:18-cv-00555-YY

Plaintiffs,

v.

JP MORGAN CHASE BANK,

ORDER

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation [61] on November 13, 2018, in which she recommends the Court grant Defendant's Request for Judicial Notice [33] and Motion to Dismiss [31]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Plaintiffs filed timely objections to the Findings and Recommendation. When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court

must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiffs' objections. The Court adopts Judge You's findings that (1) this Court lacks subject matter jurisdiction over Plaintiffs' unexhausted claims that arise out of the acts or omissions of failed bank Washington Mutual and (2) the case should be dismissed with prejudice for failing to state a claim under Federal Rule of Civil Procedure 12(b)(6). However, the Court declines to reach the question of whether Plaintiffs' claims are barred by the *Rooker-Feldman* doctrine.

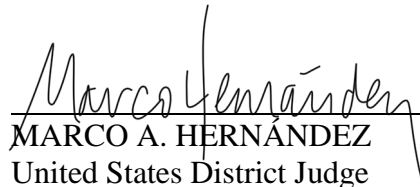
The Court has reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court ADOPTS in part Magistrate Judge You's Findings and Recommendation [61]. Defendant's Request for Judicial Notice [33] and Motion to Dismiss [31] are GRANTED. This case is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 14 day of March, 2019.


MARCO A. HERNÁNDEZ
United States District Judge